

23-C-00397-S5

1/20/2023 1:36 PM
TIANA P. GARNER, CLERK

IN THE STATE COURT OF GWINNETT COUNTY

STATE OF GEORGIA

ROSAMUNDE EPSTEIN

CIVIL ACTION
NUMBER: **23-C-00397-S5**

PLAINTIFF

VS.

**SAFECO INSURANCE COMPANY
OF INDIANA**

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

Michael B. Weinstein - Weinstein & Black, LLC
3050 Amwiler Road, Suite 200-C, Atlanta, GA 30360
(404) 228-2629

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 20th day of January, 2023

Tiana P. Garner
Clerk of State Court

By *Julia A. Thomas*
Deputy Clerk

INSTRUCTIONS: Attach addendum sheet for additional parties if needed, make notation on this sheet if addendum sheet is used.

SC-1 Rev. 2011

EXHIBIT "A"

IN THE STATE COURT OF GWINNETT COUNTY
STATE OF GEORGIA

ROSAMUNDE EPSTEIN)	
)	
Plaintiff,)	CIVIL ACTION
)	23-C-00397-S5
v.)	FILE NO. _____
)	
SAFECO INSURANCE COMPANY)	
OF INDIANA)	
)	
<u>Defendant.</u>)	

COMPLAINT

COMES NOW, Rosamunde Epstein ("Plaintiff"), and files this Complaint against Safeco Insurance Company of Indiana ("Defendant"), showing this Honorable Court the following:

1.

Defendant is a foreign insurance company with a principal place of business located at 175 Berkeley Street, Boston, Massachusetts 02116. Defendant may be served with this lawsuit through its registered agent, Corporation Service Company, 40 Technology Parkway #400, Norcross, Georgia 30092, or as otherwise allowed through applicable law.

2.

This Court has jurisdiction of this matter sounding in breach of contract.

3.

Venue is proper in this Court as Defendant's registered agent is located in Gwinnett County.

4.

On or about January 21, 2022, Plaintiff's home and personal property, located at 8645 Lake Glen Court, Alpharetta, Georgia 30022 suffered damage from the back-up of water and sewage (the "Claim").

5.

At the time of the Claim, Plaintiff had an existing homeowner's insurance policy with Defendant, Policy No. OF2759695 (the "Policy"), in which in exchange for payment of a premium by Plaintiff, Defendant agreed to provide property and casualty insurance coverage for Plaintiff's home and personal property.

6.

The Policy is an all-risk policy, and as a result, the Claim is covered unless otherwise excluded in the Policy.

7.

There are no applicable exclusions in the Policy that would bar coverage of the Claim.

8.

Shortly after discovering the damage, Plaintiff filed the Claim with Defendant.

9.

On January 25, 2022, Defendant improperly denied coverage of the Claim.

10.

As a result of Defendant's denial of coverage of the Claim, it has breached the Policy, which has caused Plaintiff damages in excess of \$75,000.00.

COUNT I
BREACH OF CONTRACT

11.

Plaintiff hereby incorporates by reference its allegations set forth in paragraphs 1 through 10 above.

12.

The Policy constitutes a valid, binding contract between Plaintiff and Defendant, and pursuant to the terms and conditions contained therein, the Claim is a covered loss under the Policy and should be paid in an appropriate manner.

13.

Defendant has breached the Policy by denying coverage of the Claim, which has caused Plaintiff damages in excess of \$75,000.00.

PRAYER

WHEREFORE, Plaintiff respectfully prays that it be granted judgment in its favor and against Defendant, for:

- a. the full amount of the damages sustained by Plaintiff;
- b. pre and post-judgment interest; and
- c. All other damages deemed just by this Honorable Court and a jury of Plaintiff's peers.

Respectfully submitted this 20th day of January 2022.

WEINSTEIN & BLACK, LLC

/s/ Michael B. Weinstein
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Attorney for Plaintiff